

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CESAR FRANCISCO VILLA,

No. C 13-3311 SI (pr)

Plaintiff,

ORDER EXTENDING DEADLINES

v.

M. SULLIVAN, R.N.; et al.,

Defendants.

Defendants have filed an answer to the complaint and a motion for summary judgment in this *pro se* prisoner's civil rights action. Plaintiff has filed a request for an extension of time to file his "opposition to defendants' answer to complaint and demand for jury trial." Docket # 15 at 1. Plaintiff has mixed up two different obligations: he does not need to file an opposition to the answer, but he does need to file an opposition to the motion for summary judgment.

The complaint and answer are called the pleadings in a case, and their purpose is to set out the parties' formal allegations, i.e., plaintiff's claims and defendants' defenses. Those are the only pleadings generally allowed. Plaintiff is not allowed to file a reply to the answer to the complaint unless the court specifically permits him to do so. *See* Fed. R. Civ. P. 7(a)(7). The court declines to permit plaintiff to file a reply (or, as he called it, an opposition) to the answer because it is unnecessary and unhelpful. The defenses alleged in the answer are deemed to be controverted by the plaintiff. *See* Fed. R. Civ. P. 8(b)(6). In other words, it is presumed as a legal matter that plaintiff disagrees with everything defendants have alleged in their answer and he does not need to file another pleading to say so.

1 Plaintiff does, however, need to file an opposition to defendants' motion for summary
2 judgment. He should read the court's notice at pages 4-5 of the order of service and defendants'
3 "notice re. requirements and consequences of summary judgment" to help him understand what
4 he needs to do to oppose that motion.

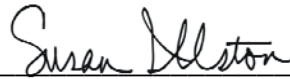
5 Upon due consideration, the court GRANTS the request for extension of time in that it
6 will extend the deadline for plaintiff to file an opposition to defendants' motion for summary
7 judgment. (Docket # 14.) The court now sets the following new briefing schedule: Plaintiff
8 must file and serve on defense counsel his opposition to the motion for summary judgment no
9 later than **March 28, 2014**. Defendants must file and serve their reply brief (if any) no later than
10 **April 14, 2014**.

11 Plaintiff asked for an extension of a deadline because he needs photocopying services for
12 a large pile of documents including his inmate appeals and other exhibits. The court now
13 provides some information so that plaintiff may be able to trim the size of the pile to bring it
14 within the limits of the prison's 50-page photocopy policy. Plaintiff does not need to file a
15 second copy of any document filed by the defendants or any document that he already has filed.
16 For example, if plaintiff wants the court to consider something in his inmate health care appeal
17 dated November 14, 2012, he can just state in his legal brief that the document is attached to the
18 Declaration of Jodi Torrance (assuming that is a true copy of his inmate appeal and response to
19 it) and tell the court what page he is referring to. The court has a copy of each and every
20 document that has been filed in this action and the court only needs one copy of any document,
21 so it is sufficient for a prisoner to tell the court the page of the document he is referring to and
22 identifies the name of the document he is referring to. More elaborate presentations are expected
23 from represented parties, but the court understands that prisoner-plaintiffs are quite limited in
24 their access to resources such as photocopiers, exhibit tabs, and hole-punchers and accepts
25 documents from them that might not pass muster from unincarcerated and represented litigants.

1 Plaintiff sent a letter requesting two subpoena forms. The clerk will send to plaintiff two
2 blank subpoena forms for him to fill out and return to the clerk so that they may be issued.

3 IT IS SO ORDERED.

4 Dated: February 11, 2014


SUSAN ILLSTON
United States District Judge